

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

APPALACHIAN VOICES, et al.,)	
)	
Petitioners,)	
v.)	
)	No. 20-2187 (L)
UNITED STATES)	
ENVIRONMENTAL PROTECTION)	
AGENCY, et al.,)	
)	
Respondents.)	
)	

STATUS REPORT

Respondents (collectively, “EPA”) submit this status report in accordance with this Court’s April 8, 2022, order.

1. These consolidated petitions for review challenge an EPA rule entitled “Steam Electric Reconsideration Rule,” 85 Fed. Reg. 64,650 (Oct. 13, 2020).
2. In July 2021, EPA announced its intention to conduct a notice-and-comment rulemaking to reconsider the rule and moved to hold this case in abeyance pending completion of the rulemaking. Mot. to Hold Case in Abeyance (July 26, 2021), Doc. No. 62-1; 86 Fed. Reg. 41,801 (Aug. 3, 2021).
3. On April 8, 2022, the Court granted EPA’s motion and placed this case into abeyance pending the completion of EPA’s rulemaking. Order (Apr. 8,

2022), Doc. No. 83. The Court ordered EPA to file a status report on May 9, 2022, and at thirty-day intervals thereafter. *Id.*

4. EPA finalized the new rulemaking announced in July 2021 and, on May 9, 2024, the Federal Register published EPA's final rule, *Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category*, 89 Fed. Reg. 40,198 (May 9, 2024). The rule became effective on July 8, 2024.

5. A number of parties have challenged the final rule in various petitions for review across several circuits. Under the multicircuit petition process in 28 U.S.C. § 2112(a), the Judicial Panel on Multidistrict Litigation has selected the U.S. Court of Appeals for the Eighth Circuit as the circuit in which to consolidate those petitions for review. *In Re: Environmental Protection Agency, Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Generating Point Source Category, 89 Fed. Reg. 40198, Published on May 9, 2024*, MCP No. 187 (8th Cir.). The statutory time limit for any additional petitions for review to be filed closed on September 20, 2024. 33 U.S.C. § 1369(b)(1); 40 C.F.R. § 23.2.

6. Both EPA and likely other parties are still assessing the impact of the rulemaking on the above-captioned litigation. Accordingly, the Court should continue to hold these petitions in abeyance. In accordance with this Court's April 8, 2022, order, EPA will file another status report in thirty days.

DATE: October 17, 2024

Respectfully submitted,

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/s/ Kimere J. Kimball

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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2024, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Kimere J. Kimball